

**R E M A R K S**

The Office Action dated October 28, 2004 presents the examination of claims 2, 4, 8, 10, and 12. Claims 4 and 10 are canceled. Claims 2, 8, and 12 are amended. Support for a peptide consisting of 9 to 11 amino acids and SEQ ID NOs: 1, 2, 39-43 is found in the Sequence Listing. Support for HLA-A24 is found in the specification, such as on page 12, lines 14-16. No new matter is inserted into the application.

***Interview***

An interview was held with the Examiner at the United States Patent and Trademark Office on March 9, 2005. The Examiner's assistance in expediting prosecution of the present application is greatly appreciated. In the Interview Summary, the Examiner writes, "Amendment to claims 2, and 8 are discussed. The examiner agreed to review draft of claims." Applicants respectfully submit that the amendments to the claims made herein are fully responsive to said discussion with the Examiner, and therefore place the present application into condition for allowance.

In particular, claim 2 is amended to recite that the isolated tumor antigen peptide comprises a sequence selected from the group consisting of SEQ ID NOs: 1, 2, and 39-43, and binds to HLA-A24 antigen. As discussed during the interview, this amendment overcomes the pending rejection under 35 U.S.C. § 112,

first paragraph, as the listed sequences and antigen have already been recognized by the Examiner as meeting the enablement requirement. Further, the length of the peptide is amended to 9 to 11 amino acids. As noted by the Examiner during the interview, all of the sequences listed in claims 2 (i.e., SEQ ID NOs: 1, 2, and 39-43) are 9 amino acids in length.

Also during the interview, the Examiner stated that claim 8 was confusing with regard to the positions of the substitutions, and stated that the position of the substituted amino acid should be clarified. Applicants clarify that "position 2" and "C-terminus" corresponds to the actual 2<sup>nd</sup> position and the last amino acid of the sequence shown in SEQ ID NOs: 1, 2, 41, 42, and 43, whether or not additional amino acids are added to either the N-terminus or C-terminus of the sequences. Claim 8 is amended to clarify the position of the substitution.

Finally, claim 12 is amended into proper dependency, while claims 4 and 10 are canceled.

***Rejection under 35 U.S.C. § 112, first paragraph***

Claims 2, 4, 8, 10, and 12 stand rejected under 35 U.S.C. § 112, first paragraph for allegedly lacking enablement by the specification. Claims 4 and 10 are canceled, thus rendering rejection thereof moot. Applicants respectfully traverse the rejection applied to the pending claims. Reconsideration of the

claims and withdrawal of the instant rejection are respectfully requested.

The Examiner states that the specification is enabling for SEQ ID NOs: 1, 2, and 39-43 as binding to HLA-A24. As noted above, the claims are amended to recite subject matter acknowledged by the Examiner to be enabled by the specification. Therefore, the instant rejection is overcome.

### **Conclusion**

Applicants respectfully submit that the above amendments and/or remarks overcome the rejections of record. The instant claims recite patentable subject matter such that the present application is in condition for allowance. The Examiner is respectfully requested to issue a Notice of Allowability indicating that claims 2, 8, and 12 are allowed.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a two (2) month extension of time for filing a reply in connection with the present application, and the required fee of \$450.00 is attached hereto.

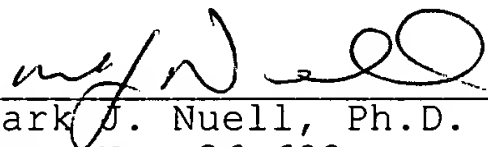
If any questions arise regarding the above matters, please contact Applicant's representative, Mark J. Nuell, Ph.D. (Reg. No. 36,623), in the Washington Metropolitan Area at the phone number listed below.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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